

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREA FOUCHER, KATHY POTEMPA and
JACQUELINE BEAMAN, individually and as
class representatives for all similarly situated
current and former employees of Kraft Foods
Global, Inc.

Plaintiffs,

Case No. 2:08-CV-14896
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

v.

KRAFT FOODS GLOBAL, INC.,
a Delaware Corporation,

Defendant.

OPINION AND ORDER GRANTING DEFENDANT KRAFT FOODS GLOBAL, INC.'S
MOTION TO ENFORCE COSTS AWARDED TO KRAFT IN THE JUDGMENT ENTERED
ON DECEMBER 17, 2009

Before the Court is Defendant Kraft Foods Global, Inc.'s ("Kraft") Objections to Denial of Bill of Costs and Motion to Enforce Costs Awarded to Kraft In The Judgment Entered on December 17, 2009. (Dkt. No. 37.) No response to Kraft's Motion has been filed. For the following reasons, the Court GRANTS Kraft's Motion and awards \$753.65 to Kraft and against Plaintiff.

On November 30, 2009, this Court entered an Opinion and Order Granting Defendant Kraft's Motion to Enforce Settlement Agreement and Granting Summary Judgment and Denying Defendant Kraft's Motion for Sanctions. (Dkt. No. 32.) On December 17, 2009, this Court entered Judgment for Defendant Kraft and ordered that Defendant Kraft recover costs from Plaintiff. (Dkt. No. 33.)

On December 21, 2009, Kraft submitted its Bill of Costs. (Dkt. No. 34.) On December 22, 2009, the Clerk denied Kraft's Bill of Costs, which sought costs incurred in the deposition of Plaintiff Andrea Foucher, because Kraft failed to indicate whether the deposition was used in support of a motion. (Dkt. No. 35.) Counsel for Kraft submitted a supplemental affidavit to the clerk indicating that the costs were incurred in connection with its Motion to Enforce Settlement Agreement, but the clerk instructed counsel to file the instant Motion. (Kraft Mot. Bill of Costs 2, ¶ 5-6.)

Federal Rule of Civil Procedure 54(d)(1) and E.D. Mich. LR 54.1, authorize an award of costs to Kraft as the prevailing party. Kraft has provided, in support of its timely filed Motion to Enforce Bill of Costs, all of the necessary documentation to support its Bill of Costs, including the Affidavit of Margaret Carroll Alli which substantiates that the deposition of Andrea Foucher was taken in connection with Kraft's Motion to Enforce Settlement Agreement and For Sanctions.

Accordingly, the Court GRANTS Kraft's Motion to Enforce Costs Awarded to Kraft in the Judgment Entered on December 17, 2009 and awards \$753.65 in favor of Defendant Kraft and against Plaintiff.

IT IS SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 22, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 22, 2010.

S/Denise Goodine

Case Manager